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2 UNITED STATE DISTRICT COURT
3 DISTRICT OF NEVADA

4 ORACLE USA, INC.; a Colorado corporation;
5 ORACLE AMERICA, INC.; a Delaware
6 corporation; and ORACLE INTERNATIONAL
7 CORPORATION, a California corporation,

8 Plaintiffs,

9 v.

10 RIMINI STREET, INC., a Nevada corporation;
11 and SETH RAVIN, an individual,

12 Defendants.

13 CASE NO. 2:10-CV-0106-LRH-VCF

14 **JOINT STATEMENT RE: COSTS**

1 The parties submit the following joint statement in response to the Court's June 10, 2019
2 Order on Mandate (ECF No. 1229) regarding "what costs, if any, Oracle is entitled" to recover in
3 view of the Supreme Court's decision in *Rimini Street, Inc. v. Oracle USA, Inc.*, 139 S. Ct. 873
4 (2019).

5 Applying then-applicable Ninth Circuit precedent, this Court previously concluded that,
6 under 17 U.S.C. § 505, Oracle was entitled to \$12,774,550.26 in nontaxable expenses. *See* ECF
7 No. 1049 at 21–22; ECF No. 1076 (final judgment). Rimini paid the nontaxable expenses award,
8 subject to repayment with interest following a successful appeal. *See* ECF Nos. 1096, 1097. The
9 Ninth Circuit affirmed the nontaxable expenses award (*Oracle USA, Inc. v. Rimini Street, Inc.*, 879
10 F.3d 948, 965–66 (9th Cir. 2018)), but the Supreme Court reversed, holding that Section 505's
11 "authorization for the award of 'full costs' ... covers only the six categories specified in the general
12 costs statute, codified at §§ 1821 and 1920" (*Rimini*, 139 S. Ct. at 875). No party contended that
13 any portion of the \$12,774,550.26 in nontaxable expenses at issue in the Supreme Court fell within
14 any of those six categories.

15 On April 5, 2019, Oracle complied with the Supreme Court's decision and mandate by
16 repaying the nontaxable expenses that Rimini previously paid, plus applicable interest. The parties
17 have therefore resolved the issue addressed by the Supreme Court. The parties agree that the
18 Supreme Court's decision did not disturb this Court's award of taxable costs to Oracle, as modified
19 by the Ninth Circuit, and did not address this Court's award of attorneys' fees to Oracle. 879 F.3d
20 at 965 (reducing award of taxable costs to Oracle to \$3,435,281.25); ECF No. 1164 at 17 (awarding
21 Oracle \$28,502,246.40 in attorneys' fees). The parties agree there is no need for additional motion
22 practice or court orders concerning costs or expenses in this case at this time.

23
24 Dated: June 24, 2019
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1 MORGAN, LEWIS, & BOCKIUS LLP
2

3 By: /s/ John A. Polito
4 John A. Polito
5 Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc. and Oracle
International Corporation

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mark A. Perry
Mark A. Perry
Attorneys for Defendants Rimini
Street, Inc. and Seth Ravin.

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1 **ATTESTATION OF FILER**

2 The signatories to this document are John A. Polito and me, and I have obtained Mr. Polito's
3 concurrence to file this document on his behalf.

4 Dated: June 24, 2019

5 GIBSON, DUNN & CRUTCHER LLP

6 By: /s/ Mark A. Perry
7 Mark A. Perry

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, I caused to be electronically uploaded a true and correct
3 copy in Adobe “pdf” format of the above document to the United States District Court’s Case
4 Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a
5 document, service is deemed complete upon transmission of the Notice of Electronic Filing
6 (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.

7 DATED: June 24, 2019

8 GIBSON, DUNN & CRUTCHER LLP

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10 By: /s/ Mark A. Perry
11 Mark A. Perry

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